



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

970 CIVIL APPLICATION NO. 8178 OF 2025
IN FA/1889/2025

DEEPAK SHRIHARI DISALE THR HIS NEXT FRIEND INDUBAI
SHRIHARI DISALE

VERSUS

THE DIVISIONAL CONTROLLER, MAHARASHTRA STATE ROAD
TRANSPORT CORPORATION, BEED

...

Mr. Shrikant Kulkarni, Advocate for Applicant

Mr. Narayan Chavan h/f. Mr. D. S. Bagul, Advocate for Respondent

...

CORAM : AJIT B. KADETHANKAR, J.

DATE : 19th SEPTEMBER 2025

PER COURT :-

1. This Civil Application is for permission to withdraw the amount deposited by the respondent/MSRTC in this Court pursuant to the judgment and award dated 14.10.2024, passed by the learned Member, Motor Accident Claims Tribunal, Kaij, Dist. Beed, in M.A.C.P. No.164/2023.

2. The learned Tribunal, after assessing the entitlement of the claimant, directed the respondent/MSRTC to pay an amount of compensation of Rs.51,91,695/- to the claimant on account of 100% permanent disability, arising from injuries sustained in the accident involving vehicle bearing No. MH-25/S-1446. It is further contended

that the claimant has suffered grievous permanent disability, including damage to the bladder and brain. Mr. Kulkarni, learned counsel for the applicant was at pains to submit that the applicant is now nothing more than a living corpus and requires full-time care by another person in order to survive. Considering all these facts, Mr. Kulkarni prays that this Civil Application be allowed, and that the applicant be permitted to withdraw the entire award amount deposited by the respondent/MSRTC.

3. Per contra, Mr. Chavan, appearing for Mr. Bagul, learned counsel for the respondent/MSRTC, submits that the assessment made by the Tribunal is grossly exaggerated. He argues that there is no evidence on record to support such a high award, and that the monthly income of Rs. 15,000 assessed notionally by the Tribunal is unjustifiable. He also objects to the award of future income. On these grounds, he opposes the application to withdraw the full amount.

4. Having heard both the parties, I am of the opinion that today the award stands in favour of the applicant. The entitlement of the applicant has been adjudicated by the learned Tribunal after considering the evidence on record and applying its mind judiciously. Undisputedly, the claimant's disability renders him totally unable to perform any household or other self-care activities. The respondent/MSRTC has

deposited the entire payable award amount in this Court. The said amount is pending in the bank. It is in nobody's interest that the amount remains locked in the bank. On the other hand, it is not disputed that the claimant is entitled for at least some amount for his maintenance and for his livelihood although, it is being taken care by this mother.

5. Hence I pass the following order :-

ORDER

- a. Civil Application is partly allowed.
- b. Applicant is permitted to withdraw 75% of the 50% which is directed to be paid to the claimant with accrued interest thereon, as per Clause no.3 of the operative part of the judgment and order impugned in the First Appeal. So it is clarified that as per Clause No.3 of the impugned judgment and award, 50% of the total award amount stands deposited in the national bank for five years with effect from passing of the impugned judgment and award. As a result of today's order '25% amount out of balance 50% amount shall' be fixed in fixed deposit and '75% amount of such 50% amount' is allowed to be withdrawn by the applicant by furnishing usual undertaking to the satisfaction of the learned Registrar (Judicial) of this Court.
- c. With this, Civil Application stands disposed of.

[AJIT B. KADETHANKAR, J.]